

# Exhibit 1

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN JOSE DIVISION  
4

5 IN RE APPLE INC. SECURITIES  
6 LITIGATION

Case No. C06-05208-JF

CLASS ACTION

7  
8 **THIRD SUPPLEMENTAL DECLARATION OF CLAIMS ADMINISTRATOR**  
9

10 I, ROBERT OSEAS, declare as follows:

11 1. I am a Project Manager employed by Epiq Class Action and Claims Solutions Inc.,  
12 (“Epiq”), f/k/a Poorman-Douglas Corp., the Claims Administrator designated in the Amended  
13 Stipulation and Agreement of Settlement in this matter and approved by the Court in its Amended  
14 Order Preliminarily Approving Settlement, Directing Notice of Settlement, and Scheduling  
15 Settlement Fairness Hearing (“Amended Preliminary Approval Order”). See Doc. 134-1 at ¶1.6  
16 and Doc. 139 at ¶8.

17 2. I am overseeing and am fully familiar with the notice implementation actions  
18 taken by Epiq in connection with the Settlement, as described below. This Declaration is based  
19 on my personal knowledge and information provided to me by associates and staff under my  
20 supervision and is accurate and truthful to the best of my knowledge.

21 3. I submit this declaration as a supplement to my declarations of January 7, 2011,  
22 February 4, 2011, and February 23, 2011 (all attached hereto as **Attachment A**) to further  
23 describe and provide proof of the administrative activities conducted after February 23, 2011. I  
24 respectfully refer the Court to my previous declarations for details about the notice program and  
25 the claims administration process through February 23, 2011.

26 4. As of March 14, 2011, Epiq has received 76,820 Proofs of Claim. As discussed  
27 below, Epiq has estimated the Recognized Claims for 64,684 of these 76,820 Proofs of Claim  
28 according to the Plan of Allocation. Of the 64,684 Proofs of Claim, Epiq’s calculations show that

1 18,425 Proofs of Claim have a Recognized Claim greater than \$5.00 and represent  
2 \$48,180,424.75 in value of Recognized Claims.

### 3 MAILING OF THE NOTICE AND PROOF OF CLAIM

4 5. As stated in my previous declarations, Epiq mailed 5,804 copies of the Notice and  
5 Proof of Claim to known banks, brokers and other nominees on December 9, 2010, and sent the  
6 same documents electronically to the 365 banks, brokers and nominees for which Epiq had  
7 obtained email addresses. The Nominee Cover Letter included in the notice package directs each  
8 institution to compile a list of potential Class Members in order to provide notice by one or more  
9 of the following mechanisms: (i) send copies of the Notice and Proof of Claim to such potential  
10 Class Members directly, (ii) send an electronic list of names and addresses to Epiq for mailing, or  
11 (iii) send Epiq pre-printed address labels with the mailing information for potential Class  
12 Members, which Epiq could then use to mail a Notice and Proof of Claim. The instructions also  
13 requested that the banks, brokers and nominees complete their research within 14 days, in  
14 accordance with the Amended Preliminary Approval Order. As of February 23, 2011, Epiq had  
15 mailed a total of 1,221,135 copies of the Notice and Proof of Claim to potential Class Members or  
16 their banks, brokers or other nominees.

17 6. On February 28, 2011, TD Ameritrade provided an electronic list of approximately  
18 132,545 names and addresses of potential Class Members to Epiq. Epiq completed the mailing of  
19 the Notice and Proof of Claim based on TD Ameritrade's information on March 4, 2011. TD  
20 Ameritrade was included in the original mailing to banks, brokers and nominees on December 9,  
21 2010, and was also sent the notice package electronically. Epiq also contacted TD Ameritrade by  
22 phone and email after December 9, 2010, to encourage TD Ameritrade to complete its research  
23 for the notice process.

24 7. As of March 14, 2011, a total of 1,365,734 copies of the Notice and Proof of  
25 Claim have been mailed to potential Class Members or their banks, brokers or other nominees.  
26 Some copies of the Notice and Proof of Claim have been returned as undeliverable. Epiq has  
27 attempted to re-mail the Notice and Proof of Claim to a different address, but approximately  
28



61,738 records remain undeliverable.<sup>1</sup>

8. As stated in my Second Supplemental declaration, as of February 23, 2011, Epiq received correspondence from three individuals who claim to have received the Notice and Proof of Claim on or shortly before January 21, 2011. On or about February 16, 2011, Epiq received an exclusion request from two individuals who stated that they received the "Proof of Claim" on January 26, 2011, but that they had no knowledge of having purchased or sold Apple stock. On March 14, 2011, Apple's counsel forwarded Epiq an email from an individual who appears to reside in Venezuela and states that he received the Notice on March 13, 2011. Epiq has determined that it mailed the Notice and Proof of Claim to this individual on January 11, 2011, in response to a request from a nominee on January 4, 2011.

#### **OTHER CONTACT WITH BANKS, BROKERS AND NOMINEES**

9. Since February 23, 2011, Epiq has continued to reach out to banks, brokers and nominees and encourage them to complete their research for the notice process or to remind them of the various deadlines established by the Court. Epiq has focused on the ten entities who are historically among the largest claim filers in similar Class Actions, though Epiq has worked with other banks, brokers and nominees by phone or e-mail, as well. Several of those entities have now filed claims on behalf of their clients.

#### **TOLL-FREE TELEPHONE NUMBER, EMAIL ADDRESS AND WEBSITE**

10. As stated in my previous declarations, Epiq created and continues to maintain a toll-free information line which, in addition to providing recorded information about the Settlement, allows callers to speak with a live representative or request a Notice and Proof of Claim. As of March 14, 2011, Epiq has received 5,091 calls to the toll-free number. Of these callers, 2,399 have chosen to speak with a live representative, and 114 callers have requested copies of the Notice and Proof of Claim.

11. Epiq also established an email address, [questions@applesecuritiessettlement.com](mailto:questions@applesecuritiessettlement.com), for Class Members and other interested persons to contact the Claims Administrator. As of

<sup>1</sup> A summary of the figures discussed in this and my previous declarations is attached hereto as **Attachment B**.

1 March 14, 2011, Epiq has received 876 emails.

2 12. As stated in my previous declarations, Epiq established and continues to maintain  
3 a settlement website, [www.applesecuritiessettlement.com](http://www.applesecuritiessettlement.com). As of March 14, 2011, this website  
4 has been accessed by 27,353 visitors.

### 5 REQUESTS FOR EXCLUSION AND OBJECTIONS

6 13. Epiq has designated a post office box address to receive correspondence about the  
7 Settlement from Class Members, including Requests for Exclusion. The Notice directs that all  
8 Requests for Exclusion be postmarked no later than January 21, 2011. As stated in my previous  
9 declaration, as of February 23, 2011, Epiq has received 20 Requests for Exclusion. Under the  
10 Amended Preliminary Approval Order, Class Members who wish to be excluded are directed to  
11 identify the date(s), price(s) and number of shares of all purchases and sales of Apple common  
12 stock made during the Class Period. Of the 20 potential Class Members who have requested  
13 exclusion, two potential Class Members have indicated that they made no purchases of Apple  
14 common stock during the Class Period, and seven have not included information about their  
15 purchases or sales. The remaining 11 Class Members have reported purchases totaling 3,425  
16 shares and reported sales totaling 590 shares. A list of each potential Class Member requesting  
17 exclusion, as well as the number of shares reported purchased and sold by each, is attached hereto  
18 as **Attachment C**.

19 14. On or about February 25, 2011, Epiq received an objection from Geoffrey H.  
20 Wood, postmarked February 22, 2011 (attached hereto as **Attachment D**). We have determined  
21 that Epiq mailed a copy of the Notice and Proof of Claim to Mr. Wood on January 7, 2011, in  
22 response to mailing information provided to us by a nominee on December 22, 2010. Epiq  
23 mailed Mr. Wood another copy of the Notice and Proof of Claim on January 11, 2011, in  
24 response to a request from a different nominee on January 4, 2011. Mr. Wood states that he  
25 purchased approximately 180 shares of Apple common stock during the Class Period. Mr. Wood  
26 acknowledges that he "fail[ed] to file [ ]his objection in a timely manner." Other than Mr.  
27 Wood's objection and the objections previously filed with the Court, Epiq has not received any  
28 other objections as of March 14, 2011.



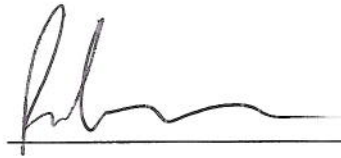
## PROOFS OF CLAIM

15. Epiq has designated a post office box address for the Settlement to receive Proofs of Claim. This address appears on the Proof of Claim, Notice, and website, and is available through the toll-free telephone line. Class Members and nominees also have the option to submit their Proofs of Claim and supporting documentation electronically at [www.applesecuritiessettlement.com](http://www.applesecuritiessettlement.com). As stated in my previous declaration, as of February 23, 2011, Epiq had received a total of 29,040 Proofs of Claim. Since February 23, 2011, Epiq has received an additional 47,780 Proofs of Claim, for a total of 76,820 as of March 14, 2011. These 76,820 Proofs of Claim purport to represent purchases of over 1.099 billion shares of Apple stock during the Class Period. As of March 14, 2011, 26,744 Proofs of Claim have been submitted via the post office box, an additional 4,471 have been submitted by individual Class Members via the website, and 45,605 were submitted electronically by banks, brokers or other nominees.

## CLAIMS PROCESSING

16. Epiq has begun to process Proofs of Claims and follow up with Class Members regarding deficiencies. As of March 14, 2011, Epiq has processed a total of 64,684 Proofs of Claim. Of this total, 13,730 claims have been found to have one or more unresolved deficiencies. 50,954 Proofs of Claim have no unresolved deficiencies, though 18,312 Proofs of Claim have been flagged for further review. As of March 14, 2011, Epiq has completed a manual review of 18,604 Proofs of Claim.

17. Epiq has estimated the Recognized Claims according to the Plan of Allocation for 64,684 of the 76,820 Proofs of Claim submitted to date. As of March 14, 2011, Epiq's calculations show the following: (i) 45,987 Proofs of Claim have a Recognized Claim of zero (\$0.00); (ii) 272 Proofs of Claim have a Recognized Claim greater than \$0.00 but less than \$5.00; and (iii) 18,425 Proofs of Claim have a Recognized Claim greater than \$5.00. In aggregate, these 64,684 Proofs of Claim represent \$48,180,424.75 in value of Recognized Claims. Epiq will continue to process Proofs of Claim as they are received in accordance with the Plan of Allocation.



Robert Oseas

Subscribed and sworn to before me this 15<sup>th</sup> of March, 2011.





NOTARY PUBLIC

My Commission Expires: Oct. 16, 2011